

REMARKS

This application has been reviewed in light of the Office Action mailed on March 16, 2004. Claims 1-6 are pending in the application with Claim 1 being in independent form. By the present amendment, Claims 8 and 9 have been added. Support for the new claims are found throughout the specification and drawings. It is respectfully submitted that claims 3-6 have been re-amended to reflect the amendments of the Preliminary Amendment.

Claims 1-2 and 4-6 were rejected under 35 U.S.C. § 103(a) over Irvin (U.S. Patent 6,360,101) in view of Mimura (U.S. Patent No. 6,295,451). Applicant traverses for the reasons set forth below.

Applicant appreciates the courtesy granted to Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on April 27, 2004. During the interview, the following issues were raised (a) with regard to Claim 1, Applicant's attorney asserts that Irvin does not teach "recognizing entry of the mobile unit into the single predetermined service area from an adjacent service area", in contrast to the position taken in the instant Office Action, and (b) with regard to Claim 6, Applicant's attorney asserts that Irvin does not teach "enabling a user to define a current service area as a predetermined service area", in contrast to the position taken in the instant Office Action.

Regarding the first issue, Applicant's attorney referred the Examiner to the Abstract of Irvin which teaches that "*the user of a cellular phone determines his/her arrival at a predetermined location by comparing a current location with one or more target locations stored in a target location memory*". Applicant's attorney pointed out to

the Examiner that Irvin cannot teach "*recognizing entry of the mobile unit into the single predetermined service area from an adjacent service area*", as indicated by the Examiner in the instant office action, because Irvin is based on the use of target locations which is not equivalent to a service area, as recited in Claim 1. The target locations taught in Irvin are position data, such as x-y coordinates or global positioning satellite coordinates. Irvin teaches at col. 4, lines 9-11, *In general, each target location stored in memory is identified by geo-coordinates or other position data.*

In support of the argument distinguishing target locations from service areas, it was pointed out to the Examiner during the interview that a service area is a well known term of art in cellular communications.

Reference is now made to the International Engineering Consortium website at <http://www.iec.org/online/tutorials/cell> wherein it is stated:

A cellular mobile communications system uses a large number of low-power wireless transmitters to create "cells" the basic geographic service area of a wireless communication system. Variable power levels allow cells to be sized according to the subscriber density and demand within a particular region. As mobile users travel from cell to cell, their conversations are "handed off" between cells in order to maintain seamless service. Channels (frequencies) used in one cell can be reused in another cell some distance away. Cells can be added to accommodate growth, creating new cells in unserved areas or overlaying cells in existing areas. [Emphasis Added]

Based on the foregoing, it is apparent that a service area (cell) is an area inside of which a corresponding base station has a capability for connecting a wireless channel to the mobile as a function of one or more parameters including the base station power-level and the prevailing air interface at the time of transmission. By contrast, a target location is strictly dependent upon precise position data (e.g., the geo-coordinates taught in Irvin).

Mimura does not cure the deficiencies of Irvin. Mimura is cited by the Examiner only for teaching a cellular transmission system having a plurality of base stations situated at respective geographical locations to define a corresponding plurality of overlapping service areas constituting one or more regions.

It is therefore respectfully submitted that Claim 1 recites limitations and/or features which are not disclosed or suggested by Irvin and Mimura, alone, and in combination and should overcome any prima facie rejection under 35 U.S.C. § 103(a).

Claims 2 and 4-6 depend from independent Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 2 and 4-6 are believed to be allowable over the cited references. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claims 1-2 and 4-6 are respectfully requested.

During the interview, the Examiner stated that he could appreciate Applicant attorney's arguments regarding the distinction between a target location and a service area and would it give it consideration upon further contemplation of the issues raised. The Examiner also suggested that a clarifying amendment to Claim 1 could prove beneficial to making the aforementioned distinction more apparent. While Applicant maintains that the distinction between a target location and a service area is clear on its face, new claim 8 has been added in response to the Examiner's suggestion.

Regarding the second issue, Applicant's attorney pointed out to the Examiner that Claim 6 recites patentable subject matter. Claim 6 recites *means for enabling the user to instruct the control means to define the current service area as the predetermined service area.*

In the Office Action the Examiner asserts that, regarding claim 6, Irvin teaches *"enabling a user to define a current service area as a predetermined service area (see col. 1, lines 48-51 which states: The phone includes a positioning receiver, such as a GPS receiver, and a target location memory. One or more predetermined target locations are stored in the target location memory. During the conversation, Applicant's attorney pointed out to the Examiner that the disclosure in Irvin at col. 1, lines 48-51 is directed to a user having one or more predetermined target locations (i.e., destination points) in mind, the target locations being different from the user's current position or location. Therefore, given that the stored target locations are different from the user's current location, Irvin cannot teach "enabling a user to define a current service area as a predetermined service area", as recited in Claim 6. By defining the current service area as a predetermined service area, a user of the mobile phone effectively establishes a "home" service area. An advantage of being able to define a "home" service area is that the user may leave the current service area and upon returning to the current service area, have the mobile phone initiate an alarm to inform the user that he/she has re-entered the "home" service area. New claim 9 is directed to this "home" service area feature, a part of which is presently contained in claim 6.*

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Irvin in view of Mimura and Kazuya.

Claim 3 depend from independent Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claim 3 is believed to be allowable over Irvin in view of Mimura and Kazuya. Accordingly, withdrawal of the

rejection under 35 U.S.C. §103(a) with respect to Claim 3 and allowance thereof is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-6 and 8-9, are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Dicron Halajian, Esq., Intellectual Property Counsel, Philips Electronics North America Corp., at 914-333-9607.

Respectfully submitted,



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